

1 ZONING BOARD OF ADJUSTMENT  
2 268B MAMMOTH ROAD  
3 LONDONDERRY, NH 03053  
4

5 DATE: OCTOBER 21, 2009

6  
7 CASE NO.: 10/21/2009-2

8  
9 APPLICANT: DERRY PLAZA LLC  
10 C/O ALTID ENTERPRISES, LLC  
11 285 BILLERICA ROAD, SUITE 101  
12 CHELMSFORD, MA 01824-4120  
13

14 LOCATION: 10 NASHUA ROAD, 10-139, C-II

15  
16 BOARD MEMBERS PRESENT: VICKI KEENAN, CHAIR  
17 JIM SMITH, VOTING MEMBER  
18 MICHAEL GALLAGHER, VOTING ALTERNATE  
19 MATTHEW NEUMAN, VOTING ALTERNATE  
20 JOE GREEN, NON-VOTING ALTERNATE  
21 YVES STEGER, ACTING CLERK  
22

23 ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/  
24 ZONING OFFICER  
25

26 REQUEST: USE VARIANCE TO ALLOW ALTERATION OF AN  
27 EXISTING NON-CONFORMING SIGN AS PROHIBITED  
28 BY SECTION 3.11.8.2.  
29

30 PRESENTATION: Case no. 10/21/2009-2 was read into the record with 7 previous cases  
31 listed. Acting Clerk Yves Steger also noted Exhibit "A," a letter from the Londonderry Dispatch  
32 Supervisor re 911 address issues previously read into the record at the beginning of the  
33 presentation of Case No. 10/21/2009-1. He then read letters from two abutters in support into  
34 the record, i.e. Exhibits "B" and "C".  
35

36 VICKI KEENAN: What were the restrictions, Yves, on the two cases from, I think, 1990 and '99  
37 on those two (2) signs?  
38

39 YVES STEGER: I do not have that in...I don't think we have...  
40

41 JAYE TROTTIER: From 1999...  
42

43 YVES STEGER: The restrictions?

44  
45 VICKI KEENAN: Yeah.  
46  
47 YVES STEGER: That's 7/20/99-3.  
48  
49 JAYE TROTTIER: Seven-twenty...yup.  
50  
51 YVES STEGER: Okay. The restrictions were "as presented" and "no trailer signs, a/k/a  
52 temporary signs." So it must be a final sign.  
53  
54 VICKI KEENAN: Okay. Thank you.  
55  
56 YVES STEGER: Thank you, Jaye.  
57  
58 VICKI KEENAN: Okay, if you could state your name for the record and please present your  
59 case and review your application.  
60  
61 DAVID FLYNN: Okay, I'm David Flynn. I work with the ownership of Derry Plaza. My work  
62 address is 285 Billerica Road in Chelmsford, Massachusetts and I represent the Carye family  
63 who owns the center. Accompanying me here at the meeting this evening is Tim Sullivan with  
64 Barlo Sign who has prepared the graphics for the proposed changes to our pylon sign. And  
65 what we are requesting a variance for is...well, first, do you have the image that they prepared?  
66  
67 TIM SULLIVAN: Everybody sets with prints?  
68  
69 MATT NEUMAN: Yeah.  
70  
71 MICHAEL GALLAGHER: Yup.  
72  
73 DAVID FLYNN: Okay, and we do have a larger one. I don't know where it would be good to  
74 set it up at. I could just put it here or...?  
75  
76 JOE GREEN: That'd be fine.  
77  
78 VICKI KEENAN: Yeah, actually, can we just pass it around the Board and everybody can get a  
79 good look at it. Does that make sense?  
80  
81 DAVID FLYNN: Do you want me to hand it to you or...?  
82  
83 VICKI KEENAN: Yeah.  
84  
85 DAVID FLYNN: I can walk the board around.  
86  
87 VICKI KEENAN: No, we can just pass it down.

88

89 DAVID FLYNN: And what's prompting the change is that we're wanting to do an overall  
90 upgrade and improvement to the center, repainting the exterior, bringing in a new tenant, or  
91 tenants, into the former Rocky's, the store, restriping the parking lot and because that sign  
92 is...I'm not sure how old it is. It could be as old as the center, which is over forty five (45) years  
93 old. It needs to be upgraded. The sign is a nonconforming, legal use. Currently, it's fourteen  
94 (14) feet high and I think it's nine (9) feet wide. We're not proposing changing the dimensions  
95 at all. We're just wanting to work within the surface that's there by upgrading and improving  
96 its cosmetics. You had mentioned earlier, having read into the record the Police Department's  
97 request for accommodation for 911 service and we'll work with the Town on however that can  
98 be incorporated. Whether that would be a number on the sign, if you want it on the face of the  
99 sign or you want it on the edge of the sign and maybe, or, in this, where they would want. Do  
100 they want the whole street name and number or just the number, and then where that would  
101 go? It could go on the bottom, where you see in between the legs of the sign or it could go up  
102 on top. If you put it up on top, well, then I guess I'd have to ask for few more inches in order to  
103 get the name up there. If that would be possible, but we'll work with the Town on  
104 accommodating that, if that's the direction that you wish to go.

105

106 VICKI KEENAN: Great. Thank you.

107

108 DAVID FLYNN: Tim, did you want to say anything?

109

110 TIM SULLIVAN: Yes, with regards to the application, I'll go through all the points. We're  
111 requesting a variance this evening from Section 3.11.8.2 of the zoning ordinance to permit the  
112 alteration of legal, nonconforming sign. The proposed would not diminish surrounding  
113 property values because, basically, we're updating the existing sign. We're putting some pole  
114 covers on it to dress up the poles, we're putting a crown across the top, having some  
115 consistency in the tenant panels, the brick base is on the bottom to kind of tie into what goes on  
116 in the plaza. So the whole sign has a nice unified look to it. The sign height isn't going to  
117 change. The overall area isn't gonna change. The location of the sign isn't going to change.  
118 We're gonna be reusing the same steel, so everything is basically the same as what's existing.  
119 Granting the variance would not be contrary to the public interest. I feel the public appreciates  
120 an attractive looking sign. Call me biased, being a sign person, but I think a nice sign shows  
121 something about the plaza. And that's our point, is to give the plaza this facelift and to make an  
122 attractive looking sign for the public to find.

123

124 DAVID FLYNN: The Heritage Commission has reviewed our plans also and I don't know what  
125 their final comments were to the Town but they were favorably disposed towards what we had  
126 presented to them last month when we were here.

127

128 TIM SULLIVAN: The zoning restrictions as applied to the property interferes with the  
129 landowner's reasonable use of the property, considering the unique setting of the property in its  
130 environment, such that the property currently enjoys a ninety (90) foot, fourteen (14) foot, ten  
131 (10) tall pylon sign and like I said, that's what we're trying to keep at that site. The plaza sits

132 back a little bit off the road and it's important to get the names of the tenants out close to the  
133 road. No fair and substantial relationship exists between the general purpose of the zoning  
134 ordinance and the specific restrictions on the property because, again, we're just looking to  
135 update the sign. We don't wish to replace the sign with anything larger or taller or in a  
136 different location. We're just keeping that sign and replacing it. The variance would not injure  
137 the public or private rights of others. It's the same sign that's already there. It's kind of a  
138 repetitive argument here, but it's basically we're not really changing anything of what's  
139 existing. Just updating it. Granting the variance would do substantial justice because it would  
140 allow the property owners to maintain their current sign size, which is important, especially  
141 when you're trying to show multiple tenants on a sign. You need to have a certain size in order  
142 to have a good size tenant copy that would be viewable. And again, because the tenants sit  
143 deeply back, it's important to get their name out close to the road. The use is not contrary to the  
144 spirit of the ordinance because, again, the proposal is an attractive looking sign and that's part  
145 of the Londonderry sign ordinance, is to have an attractive representation of a sign out beside  
146 the road and that's what we're seeking to do this evening.

147  
148 VICKI KEENAN: Okay.

149  
150 TERRY SULLIVAN: I'd be happy to answer any questions or...

151  
152 VICKI KEENAN: Why don't we bring it to the Board to ask questions.

153  
154 YVES STEGER: I really would like you to explain better what you think is what are the unique  
155 settings of the property in its environment that interferes with your reasonable use? You  
156 understand that if you change anything...it is legal but it is nonconforming. You change one  
157 thing and it's not legal anymore. That's the law. So, you need to show us that there are some  
158 specific features of the property, the site or anything else that justifies that we approve a  
159 nonconforming use. So the fact that it was legal becomes moot as soon as you change.

160  
161 TIM SULLIVAN: Correct. Correct, I understand that. The plaza itself sits probably about a  
162 hundred (100) yards off the road? Is it that far?

163  
164 DAVID FLYNN: Within that, probably two hundred (200) feet.

165  
166 TIM SULLIVAN: And if you're approaching from, I guess it would be from the east, from  
167 Derry, if you will, the majority of the plaza's blocked coming around that corner by a gas station  
168 that's out in front. And again, you don't really see the plaza until you're almost on it. And by  
169 having a sign out in front by the road, you're allowing motorists to obviously see what's in the  
170 plaza, be able to negotiate a turn safely into the plaza. And again, if you're coming from the  
171 other side, heading east, there's a Shell station down at the bottom of that hill which pretty  
172 much blocks the plaza as you're approaching. So it's important to have this sign out beside the  
173 road to identify, in fact, that there is a plaza back in there and there are, you know, commercial  
174 sites back there and it's important to allow motorists to make that safe negotiation into the  
175 property.

176  
177 YVES STEGER: Is this two (2) faces on this sign?  
178  
179 TIM SULLIVAN: Yes.  
180  
181 YVES STEGER: I need a clarification from the Town. When you have a sign and you have both  
182 sides, does that count as one (1) or as two (2) signs?  
183  
184 RICHARD CANUEL: A freestanding sign is allowed to advertise on both faces.  
185  
186 YVES STEGER: Good. You answered my question.  
187  
188 DAVID FLYNN: Another reason, if I may add, is that given the elevation of the sign and the  
189 number of tenants that we have in the center, giving them sufficient visibility is important  
190 because, as Tim was saying, because the building being off the street, people can zip by without  
191 even seeing it. So, if we diminish the face or the footage of the sign, then you can see from the  
192 image that you have in front of you, the number of tenants we have in there, their lettering  
193 becomes miniscule and difficult to see and read and, for example, we have Subway going in  
194 there and they're concerned about having enough visibility on their sign.  
195  
196 JIM SMITH: When you look at the regulations as they're written currently, the maximum sign  
197 height is ten (10) feet and the area is sixty five (65) square feet. So I think what I would be  
198 looking from you is an argument on why those dimensions will not work to justify the fourteen  
199 (14) feet and the ninety (90) square feet. Not just because that's what's there. Because the ten  
200 (10) foot height and sixty five (65) square feet is the standard that's being applied to any mall  
201 and if you ride up and down 102, the new locations have signs which conform to that standard,  
202 so, how would you answer that?  
203  
204 VICKI KEENAN: Can I ask a question, just to add to that? Does it have to be a certain height  
205 off the ground, does there need to be a certain clearance between the bottom of the sign and the  
206 ground? Is that part of the restrict...?  
207  
208 RICHARD CANUEL: Not by our ordinance, there isn't. No.  
209  
210 VICKI KEENAN: Okay. 'Cause that makes up a lot of space.  
211  
212 RICHARD CANUEL: But as far as the area of the sign, if I can remind the Board, there was a  
213 variance granted to allow ninety (90) square feet, so that would still stand. As long as they're  
214 not looking to exceed that ninety (90) square feet, they would still be in compliance with that  
215 variance. The issue as far as nonconformity is the height of the sign.  
216  
217 JIM SMITH: So what we're looking for is an argument on why fourteen (14) feet plus, versus  
218 the ten (10) feet.

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RICHARD CANUEL: Right.

JIM SMITH: What justifies that?

DAVID FLYNN: In order to accommodate the visibility that the existing tenants need, the new tenants we have coming into the center. If it's much lower, if that is reduced, then cars parked in the parking lot would obscure the sign because there is parking up against on either side of the sign. Tim, do you want to add anything?

TIM SULLIVAN: And plus, as you pointed out, the visibility under the sign's important also. So if we were to drop the ninety (90) square feet down, you wouldn't have that visibility under the sign. Presently, it's at four (4) foot seven (7). I know that isn't great but it's still better than anything short of that. And then you start running into snow issues as we're plowing the parking lot, snow build ups around the sign. In New England, if you get a sign that's much less than three (3) feet off the ground, you start having snow issues around the bottoms of the signs.

MATT NEUMAN: How many tenants are in the plaza?

DAVID FLYNN: I'd say about a half a dozen.

VICKI KEENAN: Joe, could...I'm sorry, go ahead.

MATT NEUMAN: Do you see that increasing? Is there a net increase?

DAVID FLYNN: Yes.

MATT NEUMAN: How many individual units are there or...?

DAVID FLYNN: There are...wait a second.

[pause]

DAVID FLYNN: There's currently six (6) leased spaces in there and it's conceivable that we could have as many as three (3) more as we work on leasing the former Rocky's store. That could be as few as one (1) or as many as three (3) more.

MATT NEUMAN: If you eliminate it, maybe two (2) of those signs, the bottom tenants signs, you could drop it down a little.

DAVID FLYNN: Yeah. But what we're looking at, too, is if we're to install the street name and number, we will need area for that.

YVES STEGER: And not at the bottom.

263  
264 DAVID FLYNN: I'm sorry?  
265  
266 YVES STEGER: And not at the bottom.  
267  
268 VICKI KEENAN: Where does the sign stand in relationship to the property line today, you  
269 know how far back it is?  
270  
271 DAVID FLYNN: I would say it is, from the road, is probably about six (6) to eight (8) feet off  
272 the road. Or maybe as much as ten (10) feet off the road.  
273  
274 TIM SULLIVAN: It's more like ten (10) or twelve (12) feet off the road to that leading edge.  
275  
276 YVES STEGER: There it is.  
277  
278 VICKI KEENAN: Good.  
279  
280 JIM SMITH: In that case, does it meet the setbacks?  
281  
282 RICHARD CANUEL: Well, if you're inquiring about the setback, is that the point of your  
283 question?  
284  
285 VICKI KEENAN: Well, it was twofold. It was that and is the existing location of the sign  
286 appropriate?  
287  
288 RICHARD CANUEL: The sign where it's located now presently meets the fifteen (15) foot  
289 setback requirement.  
290  
291 VICKI KEENAN: It does?  
292  
293 RICHARD CANUEL: I don't know what the exact distance is, but it is at least the fifteen (15)  
294 foot required.  
295  
296 JIM SMITH: Is there parking completely around the sign?  
297  
298 RICHARD CANUEL: And what's odd, if you look at the lot, they look like there were parking  
299 spaces in front of the sign where they put the sign, yeah.  
300  
301 MATT NEUMAN: In front of it, yeah.  
302  
303 VICKI KEENAN: Yup.  
304  
305 YVES STEGER: Yup.  
306

307 JIM SMITH: I'm still on the point of...I'm looking for information which makes your particular  
308 situation unique and different from other lots which have the ten (10) foot high sign. What is  
309 unique about yours that is so different that you need to have that height?  
310

311 DAVID FLYNN: Primarily, it's a visibility issue because if it's lower, it's blocked by cars and  
312 it's blocked by snow.  
313

314 JIM SMITH: But that would be the same for anybody else, though.  
315

316 DAVID FLYNN: I don't know where the other signs are at, if there's parking surrounding  
317 them, if they could be on a berm where they're not affected by snow removal or snow piling up.  
318 But in our situation, we're in the middle of a parking lot and as you blade the snow up to the  
319 edge of the property, it can be easily obstructed by the snow if it's too low.  
320

321 TIM SULLIVAN: I mean, I think one of the facts here is that this sign that we're proposing is  
322 more attractive than what is presently there. The sign that's presently there is in complete  
323 disarray, you got faded faces and colors mismatched, that type of thing. And if the Board is  
324 going to say to us that you have to maintain the fourteen (14) foot ten (10), you know, overall  
325 height...I mean, I'm sorry, have to maintain the ten (10) foot overall height, it's not gonna be in  
326 our benefit to put an attractive sign up, if we're being forced to knock the sign lower. By  
327 maintaining that height that originally exists, we're allowed to get an attractive sign up there,  
328 we're allowed to do what looks nice on the property. And that, again, that's all we're trying to  
329 do, we're just trying to upgrade and give a nice facelift to a sign that's obviously in some  
330 disarray but does have some certain benefits to it and one of them is the overall height of  
331 fourteen-ten (14' 10"). So, again, that's kind of why we're working within that footprint of the  
332 existing sign.  
333

334 VICKI KEENAN: What is the dimension of the top tenant position on the sign?  
335

336 DAVID FLYNN: That's a variable. What's showing here is about thirty (30) percent of the sign  
337 face is that tenant. And that was done for a prospect we were working with, so it was an image  
338 to satisfy that requirement.  
339

340 VICKI KEENAN: Is the lighting going to remain the same? I had noticed that it sticks up about  
341 a foot or so above.  
342

343 DAVID FLYNN: It will be backlit.  
344

345 VICKI KEENAN: What's that?  
346

347 DAVID FLYNN: It will be backlit.  
348

349 VICKI KEENAN: It will be back...  
350



351 TIM SULLIVAN: Oh, you mean the weather head up on top there?  
352  
353 VICKI KEENAN: Yeah, is that gonna remain?  
354  
355 TIM SULLIVAN: Yeah, that has to remain, unfortunately.  
356  
357 VICKI KEENAN: That's an extra foot or so.  
358  
359 TIM SULLIVAN: Yup.  
360  
361 VICKI KEENAN: What is the purpose of that?  
362  
363 TIM SULLIVAN: That's where it ties into the power line, actually. It's a weather head and it  
364 will go right to a telephone pole.  
365  
366 VICKI KEENAN: And so it will be backlit as well?  
367  
368 TIM SULLIVAN: Yes, it will.  
369  
370 JIM SMITH: Is that a potential problem, Richard?  
371  
372 RICHARD CANUEL: In what respect? Having that mast attached to the sign itself?  
373  
374 JIM SMITH: Right.  
375  
376 RICHARD CANUEL: Well, the sign post is already there. The post is secured in the ground.  
377 The mast is attached to that post. I guess as long as they don't alter that mast in any way, it  
378 would be appropriate. You know, it would be more appropriate, of course, if they could have  
379 done that underground but I don't know if that's feasible at this point in time.  
380  
381 VICKI KEENAN: What are the approximate size of the lettering for the prospective tenants  
382 or...?  
383  
384 TIM SULLIVAN: The tenant panels? You know, it basically depends on what they're gonna  
385 say. Subway, obviously, will be able to have a good size letter with only six (6) characters.  
386 "Joe's Pizza Bar & Grill" will have, obviously, some smaller characters. We like to try to keep  
387 them within four (4) to five (5) inches in letter height. That allows you to have some distance of  
388 visibility. If you start getting too small, much smaller than that, (a), the sign starts to look really  
389 cluttered and (b), it's just tough to read. So, typically, when we approach a tenant, if they want  
390 to say everything under the sun, we try to talk them down to just your basic name and keep it  
391 concise so you can have a good size letter.  
392  
393 DAVID FLYNN: The second page of the application that we submitted has dimensions for the  
394 letters and the individual panels. Those are proposed dimensions, whereas the panels

395 themselves would be about twelve (12) inches and the letters would be anywhere from four (4)  
396 inches to a little bit more if there's a single line. No, this is four (4) inches.  
397  
398 TIM SULLIVAN: Yeah, they're all pretty much four (4). Yeah.  
399  
400 JIM SMITH: If someone was driving by this sign at the speed limit, how long would they see  
401 the sign?  
402  
403 DAVID FLYNN: If they're not texting?  
404  
405 JIM SMITH: Right.  
406  
407 [laughter]  
408  
409 DAVID FLYNN: I would just guess there's probably...it's a few seconds.  
410  
411 JIM SMITH: So, effectively, they wouldn't be able to read this, all the tenants.  
412  
413 DAVID FLYNN: They would be able to read it.  
414  
415 JIM SMITH: Not the tenants. They'd probably read "Derry Plaza," but that would be as far as  
416 they get.  
417  
418 DAVID FLYNN: There's also, if there's no traffic, they're zipping by, it's a quick glimpse.  
419  
420 JIM SMITH: Yeah.  
421  
422 DAVID FLYNN: Frequently, it's a little slower.  
423  
424 JIM SMITH: Right.  
425  
426 DAVID FLYNN: But there's also the psychological benefit and comfort that the tenants have in  
427 having their sign, their name visible, and probably pride as well, having their name visible from  
428 the road. Whether or not it will draw anybody into the center, into their store, they feel it's all  
429 an important part of tying into the marketing of their brand and of their service.  
430  
431 VICKI KEENAN: Do we have any more questions for the applicant? Why don't we bring it  
432 back to the Board then, for deliberation.  
433  
434 JIM SMITH: Well, what about...  
435  
436 YVES STEGER: You didn't ask...  
437  
438 VICKI KEENAN: Oh, I'm sorry. I forgot. Anyone in the public who would like to speak in

439 favor of this application? Is there anyone opposed? Okay, seeing none, now we will bring it  
440 back to the Board for deliberation. Thank you.

441  
442 DELIBERATIONS:

443  
444 VICKI KEENAN: I sort of feel the ideal spot for this sign would be, sort of, further out closer to  
445 the road, but then we run into the issue of, sort of, setback.

446  
447 MATT NEUMAN: Yeah.

448  
449 VICKI KEENAN: That sort of a smaller monument sign. I do, being in commercial real estate,  
450 understand the value of this sign and having this for prospective tenants.

451  
452 JIM SMITH: Okay, what I was trying to drive through was what was the justification for the  
453 height? In a roundabout way, I think I did get something. One, the variance which gives this a  
454 ninety (90) square feet, which makes it a much larger sign, which would be normally permitted,  
455 so that in itself is something that's unique about this particular sign. The other thing which  
456 came out was the fact that the sign is actually within the parking area, which is not the norm.  
457 Normally, it's in the green area in front of the typical location. This is an old site that does not  
458 meet the landscaping requirements that would be required of a newly designed site plan, where  
459 typically is where your signs end up. So, I think those two issues would tend to give us  
460 something that's unique about this particular location.

461  
462 VICKI KEENAN: I agree. Why don't we walk through the points of law, as we did on the last  
463 case. Does that make sense? Is that helpful to everybody?

464  
465 YVES STEGER: Mm-hmm.

466  
467 VICKI KEENAN: Okay. We'll start with (A), the proposed use would not diminish the  
468 surrounding property values.

469  
470 YVES STEGER: I think it passes. It updates and...

471  
472 JIM SMITH: No real effect. Same size sign.

473  
474 MICHAEL GALLAGHER: Aesthetically...

475  
476 JOE GREEN: It's better.

477  
478 MATT NEUMAN: It's much better, right.

479  
480 VICKI KEENAN: It's a huge improvement, I agree.

481

482 JOE GREEN: Classier.  
483  
484 VICKI KEENAN: Would not be contrary to the public interest?  
485  
486 YVES STEGER: No change and becomes more visible, so, I would say that passes, too.  
487  
488 VICKI KEENAN: I agree. I think Jim laid out for us...  
489  
490 YVES STEGER: That's the one I had also a problem. It wasn't too clear from the presentation.  
491  
492 VICKI KEENAN: Considering the unique setting of the property. I think the fact, as Jim  
493 mentioned, that there's an existing variance for size.  
494  
495 MATT NEUMAN: Mm-hmm.  
496  
497 VICKI KEENAN: And that the location of the parking area in relation to where the signage can  
498 actually go to meet setbacks...  
499  
500 YVES STEGER: Yup.  
501  
502 VICKI KEENAN: ...I think is unique to its environment.  
503  
504 JOE GREEN: Yup.  
505  
506 VICKI KEENAN: No fair and substantial relationship exists between the general purpose of the  
507 zoning ordinance and the specific restriction of the property. Any comments on that?  
508  
509 YVES STEGER: No.  
510  
511 VICKI KEENAN: Okay. And the variance would not injure the public or private rights of  
512 others.  
513  
514 YVES STEGER: There's no change.  
515  
516 VICKI KEENAN: No change.  
517  
518 VICKI KEENAN: Would do substantial justice.  
519  
520 [no response]  
521  
522 VICKI KEENAN: And not contrary to the spirit of the ordinance?  
523  
524 YVES STEGER: Same thing. It improves the signage.

525  
526 VICKI KEENAN: Okay.  
527  
528 YVES STEGER: On this case, I think we need to include some restrictions related to the...  
529  
530 MICHAEL GALLAGHER: Street.  
531  
532 YVES STEGER: ...street number...and street name and number. And unfortunately, we do not  
533 have anything specific from the Task Force to recommend what it is but if...I'm just thinking  
534 now, okay?  
535  
536 VICKI KEENAN: Yeah.  
537  
538 YVES STEGER: I'm not proposing...  
539  
540 VICKI KEENAN: Okay.  
541  
542 YVES STEGER: I'm saying if I had to propose something, I think it should be close to the Derry  
543 Plaza because that's what people are gonna be looking at.  
544  
545 VICKI KEENAN: I agree.  
546  
547 YVES STEGER: And too, and I would it cannot, under any circumstances, be smaller than the  
548 letterheads of the tenants. Actually, it should be, in theory, a little bit higher, but I don't know  
549 what the Task Force is recommending.  
550  
551 JIM SMITH: Okay, what I would suggest is we put a restriction on that they consult with the  
552 Task Force on the design of the street numbering and naming...  
553  
554 YVES STEGER: Okay.  
555  
556 VICKI KEENAN: I agree.  
557  
558 JIM SMITH: ...to be incorporated in the sign.  
559  
560 YVES STEGER: We can do that.  
561  
562 JOE GREEN: That's fine.  
563  
564 VICKI KEENAN: Yeah, I think we can allow the Task Force to tell them where the best position  
565 is and size.  
566  
567 YVES STEGER: Yes, because we don't know and so I don't wanna put the restrictions that after  
568 that will make the life of the Task Force worse than better. That would not be our intention.

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VICKI KEENAN: Okay. Any other restrictions or issues that anyone would like to bring up? Okay, seeing none, then is there a motion?

MICHAEL GALLAGHER: I'll make a motion to approve, based on the tenant or the owner consulting with the 911 Task Force regarding the street address, the lettering for the street address.

VICKI KEENAN: So there's a motion to grant the variance.

YVES STEGER: I'll second that.

VICKI KEENAN: With a second. Any further discussion? Seeing none, all those in favor, signify by saying 'aye.'

MATT NEUMAN: Aye.

JOE GREEN: Aye.

JIM SMITH: Aye.

YVES STEGER: Aye.

MICHAEL GALLAGHER: Aye.

VICKI KEENAN: Aye. Opposed? Abstentions?

[no response either opposed or abstaining]

RESULT: THE MOTION TO GRANT CASE NO. 10/21/2009-2 WITH RESTRICTIONS WAS APPROVED, 5-0-0.

RESPECTFULLY SUBMITTED,

YVES STEGER, ACTING CLERK  
TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

**APPROVED NOVEMBER 18, 2009** WITH A MOTION MADE BY JIM SMITH, SECONDED BY MIKE GALLAGHER AND APPROVED 3-0-1 WITH LARRY O'SULLIVAN ABSTAINING AS HE HAD NOT ATTENDED THE MEETING.